IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2311 OF 2004

Kishore Bhanji Somaiya .. Petitioner

Vs.

Municipal Corporation of Greater Mumbai & Ors. Respondents

Mr. Mahesh Londhe i/b. M/s. Sanjay Udeshi & Co. for the petitioner.

Mr. Vinod Mahadik for B.M.C.

CORAM: DR.D.Y.CHANDRACHUD,J.

DATE : 25th August,2006.

P.C.

1. This Petition was admitted by order an dated 27th October, 2004 and interim relief directing the petitioner to deposit 50% of the disputed amount was granted.

2. Notice of Motion No. 456 of 2006 has been taken out by the Municipal Corporation for vacating the interim order in view of the Judgment of the Division Bench of this Court dated 27th March, 2006 in the case **of M.C.G.M. V/s. Dalamal Tower Premises Co-operative**

Society Ltd. reported in (2006) 3 Bombay Cases Reporter 557.

3. At this stage, the learned Counsel for the Petitioner has stated that he has instructions to unconditionally withdraw the Writ Petition. The Writ Petition is on the request of Counsel taken on Board and called out.

4. The Writ Petition is on the request of Counsel for the Petitioner dismissed as withdrawn. In view of the disposal of the Petition, the Motion does not survive and is accordingly disposed of.

5. The amount that was deposited by the Petitioner is permitted to be withdrawn by the Municipal Corporation together with accrued interest, if any, towards part-satisfaction of the overall claim of the Municipal Corporation.

(D.Y.CHANDRACHUD,J.)